

MEMORANDUM OF LAW

DATE: September 16, 1986

TO: Sylvester Murray, City Manager

FROM: City Attorney

SUBJECT: Housing Commission

As a follow-up to our Memorandum of Law dated September 12, 1986, you asked whether it would be legally feasible for the Mayor and the City Council to appoint five of the Councilmembers to serve as the members of the Housing Commission together with two low-income tenants.

A review of the Housing Authorities Law indicates that the Mayor and the City Council could appoint five Councilmembers to the Commission.

Section 34272, copy attached, specifies in subsection (b):  
". . . a commissioner may be an officer or employee of the county or city for which the authority is created . . ."

Section 34290, copy attached, specifies that the City Council may declare itself to be the Commissioners of the Housing Authority.

Section 34291, copy attached, specifies that, if the Council declares itself to be the Commissioners, the Council may create a Housing Commission and that "the numbers of members thereof, their terms of office, their qualifications, and the method of their appointment and removal shall be as provided by ordinance."

As you know, the Housing Commission was created by ordinance now codified as Section 98.0301 of the Municipal Code. At present, Section 98.0301(f)(4) specifies that "a member shall not be an elected officer or an employee of the City." Also, for information, subsection (f)(6) specifies that the present members of the Commission may be removed by the majority vote of the City Council only "for inefficiency of duty, or misconduct in office."

If the City Council were to provide for the appointment of five Councilmembers to the Housing Commission, it would, therefore, be necessary to amend Section 98.0301. It would also perhaps be appropriate, if such action were taken, to further provide for removal of the present Commissioners from office.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug

Deputy City Attorney

HOV:ps:559(x043.2)

Attachments  
ML-86-113